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## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	) MDL No. 1456
THIS DOCUMENT RELATES TO: State of California, ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al. Civil Action No. 03-11226-PBS	Master File No. 01-12257-PBS Subcategory Case. No. 06-11337 Hon. Patti B. Saris

## PROPOSED ORDER OF DISMISSAL WITH PREJUDICE AS TO CERTAIN DEY DRUGS

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the State of California ("State"), acting by and through its Attorney General, Edmund G. Brown Jr., the relator Ven-A-Care of the Florida Keys, Inc. ("Relator") (collectively referred to as "Plaintiffs"), and Dey Pharma, L.P. and Dey, Inc. (collectively, "Dey") have filed a Stipulation of Dismissal with Prejudice as to Certain Dey Drugs (the "Stipulation of Dismissal"), dismissing with prejudice all claims asserted or that could have been asserted against Dey, Inc. and Dey Pharma, Inc. in the above-captioned action, with respect to the pharmaceutical products listed in Exhibit A to the Stipulation of Dismissal. Upon due consideration of the Stipulation of Dismissal and the papers on file in the above-captioned action,

IT IS HEREBY ORDERED that all claims asserted or that could have been asserted against Dey, Inc. and Dey Pharma, L.P. in the above-captioned action shall be dismissed with prejudice, each party shall bear its own costs, and all rights of appeal shall be waived.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on <u>Sec. 25</u>, 2010, I caused a true and correct copy of the foregoing Stipulation of Dismissal with Prejudice as to Certain Dey Drugs to be served on counsel of record for each party through the Court's Electronic Case Filing System and via LexisNexis File & Serve.

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